IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 200 OF 2007

Vijay D. Salvi ..Petitioner

Vs.

Vishwanathan S. & Ors. ..Respondents

WITH

CRIMINAL WRIT PETITON NO. 201 OF 2007

M/s. Salvi Infrastructure Pvt. Ltd. and anr. ..Petitioners

Vs.

Ratnakant More and Ors. ..Respondents

WITH

CRIMINAL WRIT PETITION NO. 511 OF 2007

M/s. Salvi INfrastructure Pvt. Ltd. and anr. ..Petitioners

Vs.

Rajnath Nathun Kumar and ors. ..Respondents

WITH

CRIMINAL WRIT PETITON NO. 512 OF 2007

Vijay D. Salvi ..Petitioner

Vs.

Fakir Mohammad Yusuf Khot and ors. ..Respondents

Mr. Samir Viadya for petitoners.

Mr. T. Rajaram Mohan Roy for respondent nos. 1 to 6 in W.P. No. 200/07, for respondent nos.1 to 9, 12, 13 and 16 in W.P. No.201/07, for respondent nos.1 and 2 in W.P. No.511/07 and for respondent nos. 1 to 8 in W.P. No.512/07.

Mr. Y.M. Nakhawa, APP for State in all the matters.

CORAM: B.H. MARLAPALLE, J.

Date : August 04, 2007.

P.C.:

1. Heard the learned counsel for the respective parties as well as the learned APP.

2. In all the petitions there is a common grievance by the petitioners-accused, namely, the direction of the Lower Appellate Court to deposit 50% of the compensation amount directed to be paid to the complainant by the trial court.

3. In the order dated 9/5/2007 this court has recorded an undertaking of the learned counsel for the petitioners that they would deposit an amount to the extent of 10% of the compensation amount in each of the cases which are subject matter of challenge in separate appeals before the Lower Appellate Court.

4. The petitioner has filed an affidavit today and stated on oath that he will deposit the said 10% amount in each case within a period of six weeks from today. The affidavit is hereby accepted.

5. Having regards to the law laid down by the Supreme Court in the case of Dilip S. Dahanukar vs. Kotak Mahindra Co. Ltd. and anr. **[2007 ALL MR (Cri) 1775 (S.C.)]**, 10% of the compensation amount directed to be paid by the trial court would be a just and proper condition for suspending the order of sentence and to proceed to decide the pending appeals on merits.

6. Hence, it is directed that the petitioners shall deposit 10% of the compensation amount, as directed by the trial court, in each of the cases with the Lower Appellate Court within a period of six weeks from today and on that basis the appeals to proceed on merits and the order of sentence stand suspended. The non bailable warrant issued by the Lower Appellate Court stands stayed for a period of four weeks or till the amount is deposited, whichever is earlier.

Hearing of the appeals is hereby expedited.

7. Petitions are disposed off accordingly. Writ to go forthwith to the respective Lower Appellate Courts.

(B.H. Marlapalle,J.)